IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3185 OF 2004

M/s.P.V. & Co. .. Plaintiff

versus

M/s.Sidharth Trading Corporation .. Defendant

...

Ms.Mridula Bhatia i/b S.N. Shah for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 25th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

None for the defendant.

2. The plaintiff has filed on record affidavit of service proving service of writ of summons on the defendant in December 2004. Despite writ of summons, the defendant has not filed an appearance.

3. The plaintiff has also filed on record documents along with a list. The documents are collectively marked Exhibit-A.

4. I have perused the plaint and the documents produced on record. The plaintiff sold, supplied and delivered to the defendant 600 bags of rock salt and sent the bill. Office copy of the bill is produced on record as also the transporters receipt. The plaintiff has also filed on record office copies of the notice of demand and the acknowledgement.

5. In the absence of any appearance, the plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure. Hence, suit of the plaintiff is decreed in terms of prayer clause 17(a) of the plaint.

6. Issue court fee refund certificate as per rules.

D.G. KARNIK, J